

ESTTA Tracking number: **ESTTA89865**

Filing date: **07/13/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Farmers Group, Inc.
Granted to Date of previous extension	07/16/2006
Address	4680 Wilshire Boulevard Los Angeles, CA 90010 UNITED STATES
Attorney information	Sheldon H. Klein Arent Fox PLLC 1050 Connecticut Avenue, NW Washington, DC 20036 UNITED STATES klein.sheldon@arentfox.com, resnick.adam@arentfox.com, henry.eileen@arentfox.com, tmdocket@arentfox.com

Applicant Information

Application No	78595960	Publication date	01/17/2006
Opposition Filing Date	07/13/2006	Opposition Period Ends	07/16/2006
Applicant	Richfield/Bloomington Credit Union 345 East 77th Street Richfield, MN 55423 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 2000/01/13 First Use In Commerce: 2000/01/13

All goods and services in the class are opposed, namely: Credit union and banking services, namely, checking accounts, savings accounts, money market accounts, certificates of deposit, IRAs, online banking, business accounts and loans, real estate loans, vehicle loans, credit cards, student loans, ATM use, and safe deposit boxes

Attachments	Farmers.pdf (7 pages)(180541 bytes)
Signature	/Adam D. Resnick/
Name	Sheldon H. Klein/Adam D. Resnick
Date	07/13/2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application No. 78/595,960 for the mark WHERE YOU AND YOUR FAMILY BELONG,
published January 17, 2006.

FARMERS GROUP, INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
RICHFIELD/BLOOMINGTON CREDIT UNION,)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Opposer Farmers Group, Inc. ("Opposer"), a Nevada corporation, having an address of 4680 Wilshire Boulevard, Los Angeles, California 90010, believes that it will be damaged by the registration of the above-identified mark and hereby opposes the same pursuant to the provisions of Section 13 of the Trademark Act of 1946, 15 U.S.C. § 1063(a), as amended.

As grounds for opposition, Opposer alleges the following:

1. Opposer is the owner of all right, title, and interest in and to the marks FARMERS. GETS YOU BACK WHERE YOU BELONG and GETS YOU BACK WHERE YOU BELONG for use in connection with insurance services, namely, underwriting, claims administration and agency services for property and casualty, life, automobile, boat, farm and ranch, flood, workers' compensation, mortgage protection (life), renters, townhouse, condominium, and homeowners insurance; underwriting and agency services of individual retirement annuities (IRA) and flexible payment annuities; administration of employee pension

plans; financial services, namely, investment advice, investment management, financial planning, financial management, mutual fund management, financial analysis and consultation, and financial planning (“Opposer’s Marks”).

2. Opposer’s rights in the mark FARMERS. GETS YOU BACK WHERE YOU BELONG have been recognized by the United States Patent and Trademark Office, which issued to Opposer U.S. Registration No. 2,345,790.

3. Opposer’s registration is valid, subsisting and provides conclusive evidence of Opposer’s exclusive right to use the mark in commerce, and a copy of the registration certificate is attached hereto as Exhibit A.

4. Since long prior to the filing of the above-referenced application, and prior to any first use date Applicant may claim, Opposer has continuously used, advertised, and promoted Opposer’s Marks in interstate commerce in connection with the aforementioned services.

5. As a result of said extensive use, advertising, and promotion, Opposer’s Marks are a distinctive indicator of the origin of Opposer’s services, and the marks have become a valuable symbol of Opposer’s goodwill.

6. Notwithstanding Opposer’s prior established rights in its well-known marks, Applicant filed an application with the United States Patent and Trademark Office to register the mark WHERE YOU AND YOUR FAMILY BELONG (Ser. No. 78/595,960) for “credit union and banking services, namely, checking accounts, savings accounts, money market accounts, certificates of deposit, IRAs, online banking, business accounts and loans, real estate loans, vehicle loans, credit cards, student loans, ATM use, and safe deposit boxes.”

7. Upon information and belief, Applicant knew or had reason to know of Opposer's prior rights in Opposer's Marks when Applicant filed its application.

8. Opposer has not authorized the use or registration of WHERE YOU AND YOUR FAMILY BELONG by Applicant.

Count I – Likelihood Of Confusion - § 2(d)

9. The mark sought to be registered by Applicant so resembles Opposer's Marks that its use and registration in connection with Applicant's services is likely to cause confusion, mistake, and deception as to the source or origin of Applicant's services, or cause the public to assume erroneously that Applicant's services are in some way connected with and/or sponsored by or affiliated with Opposer, all within the meaning of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. § 1052(d), as amended, and will injure and damage Opposer and the goodwill and reputation it has established in its well-known marks.

10. The services of Applicant are sufficiently related to the services of Opposer such that the public is likely to be confused, to be deceived, and to assume erroneously that Applicant's services are those of Opposer, or that Applicant is in some way connected with, sponsored by, or affiliated with Opposer, all to Opposer's irreparable damage.

11. Applicant is not affiliated or connected with or endorsed or sponsored by Opposer, nor has Opposer approved any of the services offered or sold or intended to be sold by Applicant under its alleged mark.

12. Likelihood of confusion in this case is enhanced by the fame of Opposer's Marks and by the fact that consumers associate these marks with services sold, approved, or endorsed by

Opposer.

13. Likelihood of confusion is enhanced by the fact that purchasers of Applicant's services are prospective purchasers of Opposer's services.

Count II – Deception/False Suggestion Of Connection – § 2(a)

14. The mark sought to be registered so closely resembles Opposer's Marks that Applicant's mark is likely to cause deception in violation of Section 2(a) of the Trademark Act of 1946, 15 U.S.C. § 1052(a), as amended, in that the mark misdescribes the nature or origin of the services, purchasers are likely to believe that the misdescription actually describes the nature or origin of the services, and this is likely to materially alter purchasers' decisions to purchase Applicant's services.

15. The mark sought to be registered so closely resembles Opposer's Marks that it falsely suggests a connection with Opposer in violation of Section 2(a) of the Trademark Act of 1946, 15 U.S.C. § 1052(a), as amended, since the mark sought to be registered points uniquely to Opposer, and purchasers will assume that services sold under the mark sought to be registered are connected with Opposer.

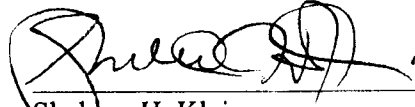
16. Use and registration of Applicant's alleged mark will deprive Opposer of the ability to protect its reputation, persona and goodwill.

17. By reason of all of the foregoing, Opposer will be damaged by the registration of Applicant's alleged mark, and registration should be refused.

WHEREFORE, Opposer prays that this opposition be sustained and that registration of the mark WHERE YOU AND YOUR FAMILY BELONG by Applicant be denied.

FARMERS GROUP, INC

By:



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July 13, 2006

Attorneys for Opposer

EXHIBIT A

Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,345,790

United States Patent and Trademark Office

Registered Apr. 25, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

FARMERS. GETS YOU BACK WHERE YOU BELONG

**FARMERS GROUP, INC. (NEVADA CORPORATION)
4680 WILSHIRE BOULEVARD
LOS ANGELES, CA 90010**

FOR: INSURANCE SERVICES, NAMELY, UNDERWRITING, CLAIMS ADMINISTRATION AND AGENCY SERVICES FOR PROPERTY AND CASUALTY, LIFE, AUTOMOBILE, BOAT, FARM AND RANCH, FLOOD, WORKERS' COMPENSATION, MORTGAGE PROTECTION (LIFE), RENTERS, TOWNHOUSE, CONDOMINIUM, AND HOMEOWNERS INSURANCE; UNDERWRITING AND AGENCY SERVICES OF INDIVIDUAL RETIREMENT ANNUITIES (IRA) AND FLEXIBLE PAYMENT ANNUITIES; ADMINISTRATION OF EMPLOYEE PENSION

PLANS; FINANCIAL SERVICES, NAMELY, INVESTMENT ADVICE, INVESTMENT MANAGEMENT, FINANCIAL PLANNING, FINANCIAL MANAGEMENT, MUTUAL FUND MANAGEMENT, FINANCIAL ANALYSIS AND CONSULTATION, AND FINANCIAL PLANNING, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 8-12-1996; IN COMMERCE 8-12-1996.

OWNER OF U.S. REG. NOS. 1,659,107, 2,228,194 AND OTHERS.

SER. NO. 75-772,020, FILED 8-10-1999.

ANGELA M. MICHELI, EXAMINING ATTORNEY